

FUNCTIONAL EQUIVALENCY WORK GROUP

Final approved by DNR Coordinators November 1, 2005

In making a determination that an applicant's EMS is functionally equivalent to an ISO 14001 EMS, the following procedures are suggested as a basis for the Department making the statutorily prescribed decision:

Tier 1:

The applicant provides documents that demonstrate that the components in their EMS conform to each of the 12 components identified under Wis.Stats. 299.83(1)(dg). The applicant chooses the means of documentation and has the responsibility for supplying evidence that demonstrates conformance to each requirement. All of the documentation supplied under this option will be a matter of public record and may be put on the web site at the time of notice or prior to approval of the EMS, if that occurs after the company is initially enrolled in the program. The documentation is to be accompanied by a certification from the senior manager that signed the Green Tier application, that they have reviewed the documentation and, in their judgment, the EMS conforms to each of the 12 components.

Or;

The applicant shall submit, to a third party, evidence that their EMS conforms to the 12 components identified in the statute. The third party verifier must demonstrate to the DNR that they are both objective and competent*. The third party will then submit to the DNR a declaration, signed by a senior manager from the third party, that they have examined the evidence provided by the applicant and that the EMS conforms to each of the 12 components. This declaration shall include the following: "I have reviewed the information submitted by the participant, and as an independent third party, I find that the information provided conforms to each of the 12 requirements in Wis.Stats. §299.83(1)(dg) as a functionally equivalent environmental management system."

Tier 2:

The applicant provides objective evidence that each of the 12 components are present and the applicant demonstrates how the 12 components come together to produce environmental performance. The applicant is responsible for demonstrating how its system satisfies each component of the statute, and quantifying the results in support of that assertion. Baseline information must be provided, along with at least one year of additional results to show trends from the baseline information. All of the documentation supplied under this option will be a matter of public record and may be put on the web site at the time it is supplied or prior to approval of the EMS. The documentation is to be accompanied by a declaration from the senior manager that signed the Green Tier application that they have reviewed the documentation and in their judgment, the EMS conforms to each of the 12 components and that the results reported are true and accurate.

Or

The applicant shall provide evidence to an outside environmental auditor (299.83(9)(1)(dr) and 299.83(7m) that their EMS conforms to the 12 components identified in the statute. The outside environmental auditor shall then submit a verification report to the DNR, which includes a record

of the evidence observed to make the functional equivalency determination. This report will be signed by the outside environmental auditor stating that they have examined the evidence provided by the applicant and that each of the 12 components of a functionally equivalent EMS is satisfied. This declaration shall include the following: "I have reviewed the information submitted by the participant, and as an outside environmental auditor, I find that the EMS conforms to each of the 12 requirements in 299.83(1)(dg) as a functionally equivalent environmental management system."

Objective and Competant Third Party - RABQSA certified auditors have already produced evidence of competence to an objective third party and are considered qualified to make the functional equivalency determination. Others seeking to make the determination shall submit a demonstration of competence to WDNR or a Department designee (contractor, review board, volunteers, etc.) prior to the Department accepting a functional equivalence determination. A demonstration of competence shall include documentation of attendance at an accredited ISO 14001 lead auditor training session and documentation of training or experience in environmental laws that apply to the applicant. Knowledge and skills in the following areas will help demonstrate a third party's competence:

- environmental terminology,
- environmental management principles and their application, and
- environmental management tools (such as environmental aspect/impact evaluation, life cycle assessment, environmental performance evaluation, etc.).

If an objective and competent third party provides the declaration described above, and the DNR discovers that a false declaration was made, the DNR will not accept any additional declarations from that party.